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July 28, 2020

BY ELECTRONIC CASE FILING

The Honorable Pamela K. Chen  
United States District Judge  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Hernan Lopez and Carlos Martinez*, Case No. 15-cr-252  
(Def. Nos. 32-33) (PKC)

Dear Judge Chen:

We represent Defendants Hernan Lopez and Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, we move, in the Court's discretion, for an order extending the time within which Mr. Lopez and Mr. Martinez may file a motion seeking a bill of particulars. In the interest of efficiency, we jointly move on behalf of both Mr. Lopez and Mr. Martinez. Mr. Lopez and Mr. Martinez previously sought, and were granted, two extensions of time within which to file a motion for a bill of particulars. See ECF 1367; Apr. 16, 2020 Order; ECF 1386; May 19, 2020 Order. Mr. Lopez and Mr. Martinez's Motion for a bill of particulars is currently due on August 7, 2020. Rule 7(f) of the Federal Rules of Criminal Procedure states that "[t]he defendant may move for a bill of particulars before or within 14 days after arraignment *or at a later time if the court permits.*" Fed. R. Crim. P. 7(f) (emphasis added). The "purpose of a bill of particulars is 'to inform a defendant of charges with sufficient precision to allow preparation of a defense, to avoid unfair surprise, and to preclude double jeopardy.'" *United States v. Barrera*, 950 F. Supp. 2d 461, 477 (E.D.N.Y. 2013) (quoting *United States v. GAF Corp.*, 928 F.2d 1253, 1260 (2d Cir. 1991)).

The 53-count Superseding Indictment in this case charges Mr. Lopez and Mr. Martinez and fifteen other defendants with conspiracy to commit wire fraud, conspiracy to commit money laundering, and eleven charges of wire fraud. Mr. Lopez and Mr. Martinez were arraigned on April 9, 2020 and entered pleas of not guilty to all charges against each of them. During the arraignment, the Court designated this matter as a complex case. As of the filing of this letter, the government has provided five discovery productions, totaling 17,829,605 pages. It is counsel's understanding that the government is still in the process of completing its initial discovery productions to the defense. Counsel will need time to review the government's voluminous

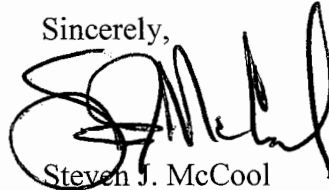
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discovery productions, and the remainder of the government's productions when they are produced, to draft, if necessary, an effective motion for a bill of particulars. Given this, Mr. Lopez and Mr. Martinez request a 90-day extension to November 5, 2020 to file a motion for a bill of particulars.

On July 27, 2020, Mr. Martinez sought the United States' position on the relief requested herein. Assistant United States Attorney Kristin Mace represented that the United States has no objection to the relief requested herein. This is the third request for an extension of time on behalf of Mr. Lopez and Mr. Martinez.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this application and issue an Order enlarging the time within which Mr. Lopez and Mr. Martinez may file a motion seeking a Bill of Particulars from August 7, 2020 to November 5, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. McCool', written over a circular stamp or seal.

Steven J. McCool

*Counsel for Carlos Martinez*

*Matthew D. Umhofer*

*Counsel for Hernan Lopez*

cc: Counsel of record (by ECF)